



The COURT COMPASS

NEWSLETTER OF THE MASSACHUSETTS JUDICIAL BRANCH

Court Reporters Relentlessly Pursue the Perfect Record

During even the driest testimony by a witness in a Superior Court session, one person in the courtroom is intently focused on every word being said. The opposing attorney may be preparing notes for the upcoming cross-examination, members of the jury may be passively absorbing the testimony, and the judge may be concentrating on the meaning. The court reporter, however, is quietly recording every word.

"You want absolutely accurate, verbatim reporting of everything that's said," explains Mary Wrighton, who has been a court reporter for thirty-six years. "In court reporting classes, 95 percent accuracy may be good enough to pass, but that's not good enough for the courtroom."

The Superior Court is the only department of the Trial Court that regularly uses court reporters. The department has sixty-three salaried reporters on staff to cover all sessions conducted throughout the

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Supreme Judicial Court Chief Justice Margaret H. Marshall, center, greets the visiting delegation of judges from Tomsk, Russia, in the SJC Consultation Room. Standing at right is Superior Court Judge Paul A. Chernoff, who helped to plan the activities for the Tomsk judges who visited Massachusetts in September.

Massachusetts Judiciary Shares Ideas and Expertise with Judges from Tomsk, Russia

Massachusetts judges and lawyers are combining their talents and sharing their expertise with the legal community of Tomsk, Russia, as it works to instill judicial reforms in the post-communist era.

The developing relationship between Massachusetts and Tomsk, which is the name of both a city of 500,000 people and a region, or "oblast," within the Russian Federation, began last January when Judge Alexander Skutin, the Chief Justice of the Tomsk Arbitrage Court, visited Massachusetts for several days. Ties have grown closer through a visit to Tomsk by a delegation of five Massachusetts judges and attorneys in May, and by a return visit to the Boston area by a group of eight Russian judges and two interpreters in September. Next spring, a second Massachusetts delegation will journey to Tomsk, known as the "Athens of Siberia" because of its universities, which is 2,000 miles east of Moscow and twelve time zones away from the U.S. east coast.

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Superior Court Judge Paul A. Chernoff, who helped to plan the itinerary for the Russians' visit in September and who will lead the next Massachusetts delegation to Tomsk, says that a friendly, familiar relationship is developing as both delegations work to identify specific legal areas in which assistance is needed.

"The Russian delegation came to Massachusetts to observe our system, and when we go there next spring, we will observe and engage in a mutually beneficial exchange. For example, their new rules of criminal procedure require jury trials in serious criminal cases starting in January 2003. They also are interested in professional responsibility issues and judicial education. In all of these areas, we have a lot to share. But first, we need to establish a relationship of trust and friendship. That was the main goal of the trips in May and September," Judge Chernoff says.

Superior Court Judge Mary-Lou Rup, who led the trip to Tomsk in May, says that their Russian hosts did an excellent job of fostering the kind of friendships that can support the project for many years. "Tomsk, though in the middle of Siberia, is probably not what most people think," she says. "One might expect a place

'I find fascinating the enthusiasm with which they are embarking on this journey into quite uncharted territory. And by discussing and explaining our system with them, it builds an appreciation for what we've got.'

— Superior Court Judge
Mary-Lou Rup

that is very stark, unwelcoming, and cold, and that the people there would be affected by the stark, cold surroundings. When we arrived we found a dusting of snow on the ground of a very pretty, small city. The people were very warm, welcoming, and enthusiastic. They were anxious to show us their city."

The delegation to Tomsk also included former Boston Municipal Court Judge Herbert Hershfang, recently retired; Assistant U.S. Attorney Andrew Levchuk; Attorney Gabrielle Wolohojian from the Boston law firm of Hale & Dorr, who represented the Boston Bar Asso-

ciation; and Norfolk County Assistant District Attorney Tanya Karpiak.

The Massachusetts visitors were accompanied by Vermont Supreme Court Justice John Dooley and Karin Bourassa, Project Coordinator of the Vermont/Karelia Rule of Law Consortium. The relationship between Massachusetts and Tomsk is patterned after one established in 1992 between Vermont and Russia's Karelia Oblast, which was the first partnership in a program that now includes seven U.S. states and their Russian counterparts. The other five states in the Russian American Rule of Law Consortium are Connecticut, Maine, Maryland, New Hampshire, and New York.

The Consortium is funded by the United States Agency for International Development, which helps to sponsor the visits of Americans to Russia. Trips by the Tomsk judges to Massachusetts are paid for, in part, by the Library of Congress' Russian Leadership Program. The exchanges of judges and attorneys may soon be complemented by a partnership sponsored by the State Department between a law school in Boston and one in Tomsk.

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Commonwealth, and also hires per diem reporters as necessary.

Court reporters use two methods: stenography and voice writing. About one-third of the reporters use stenographic machines, while the others quietly repeat everything that is said in court proceedings into a recorder. Paula Pietrella, who uses a voice recorder, notes that the mental and physical challenges of both methods are very similar. Both must be able to keep up with the pace of conversation in the courtroom, which generally ranges between 200 and 225 words per minute, but

may go as high as 300 words per minute.

They also must identify who is speaking, and they cannot afford to miss a word. "We feel this huge responsibility because we know how important the record is," says Ms. Wrighton. "It is our responsibility to try to create the perfect record."

Chasing the perfect record means that court reporters often cannot pause, much less take a short break, as long as the court is in session. "You're practically chained to your desk," says reporter Kathleen Rael. "You really can't even stop to stretch.

Your concentration has to be very high every day."

They also must master the vocabulary of any particular case. While they may be able to research a topic likely to arise in court in advance, they also have to be able to learn quickly as the case progresses. "If a case involves, say, broken bones, a reporter can look at exhibits during breaks or lunch to find out what the particular bone is that they are talking about, and how to spell it," Ms. Pietrella says.

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Academic Centers

The city of Tomsk was founded in 1604, and thus is twenty-six years older than Boston. Like its American counterpart, however, it also is an academic center, with 45,000 students attending its six universities. The city has a high number of people with advanced degrees and a relatively high number of English speakers. Two of the universities are among only seven recognized within the Russian educational system as being national models of excellence.

The city also is a center for scientific research. As a leader in nuclear physics, it was closed to outsiders throughout the Cold War. Its people now, however, are anxious to learn what they can about other nations' judicial systems.

"They are looking to the United States as a model of an effective judicial system," says Judge Hershfang. "They are interested in all areas of our system. We can help them by showing how our Constitution, statutes, and case law are set up in a way that engages our whole citizenry; that it is an accepted, if not revered, system in which we all agree on certain commonly accepted rights and responsibilities that appear not to be established in Russia."

He adds that the Russians also can benefit from learning that "we have

'We need to establish a relationship, a partnership of trust and friendship. That was the main goal of the trips in May and September.'

— Superior Court Judge
Paul A. Chernoff



The Russian delegation gained a juror's perspective during a visit to the Brooke Courthouse in Boston.

problems also, and that we too are seeking to improve our system."

Judge Rup notes that, "They are very enthusiastic about getting any help they can from any source, with,

of course, the right to choose whatever would seem to work the best for them.

"At the same time, I think that by establishing a relationship with one region, they have the continuity of sharing ideas with one group of people. I think everyone can benefit from having a regular, ongoing relationship."

As a way of both building personal relationships and providing a broad view of the Massachusetts judicial system, the Tomsk visitors were given a very wide-ranging, busy itinerary in September. "We wanted them to observe our entire judicial process, from arrest through the trial and appellate process," Judge Chernoff says.

Using simultaneous translation equipment, the Tomsk judges and several interpreters met with Supreme Judicial Court Chief Justice Margaret H. Marshall; learned about the appellate process from SJC Chief Staff Counsel Henry Clay; and received an overview of the courts from Alex McNeil, Massachusetts Appeals Court Administrative Assistant to the Chief Justice. They also observed SJC oral arguments;

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Yet taking precise notes, whether on stenographic paper or audio tape, is only half the work. Once the court has adjourned for the day, the reporters then must tackle the job of preparing a verbatim transcript.

Transcripts are not automatically required for every case, but may be ordered, usually by attorneys with an interest in the case, at any time. If a verdict or sentence is appealed, the court reporter must prepare and file a verbatim transcript from the notes as part of the record transferred to the appellate court.

'You want absolutely accurate, verbatim reporting of everything that's said. In court reporting classes, 95 percent accuracy may be good enough to pass, but that's not good enough for the courtroom.'

— Court Reporter Mary Wrigton

Transcripts also may be ordered for other reasons. To help prepare for an upcoming trial, judges may order transcripts of cases that may be similar. Attorneys may order the years-old testimony of an expert witness appear-

ing in an upcoming case, or family members affected by a case from a generation ago may want to read the details of what was said in court. Thus

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Supreme Judicial Court Chief Justice Margaret H. Marshall is presented a Judicial Youth Corps T-shirt by Onyema Kamalu of Boston Latin School.



Above, Newman Preparatory School student Nicole Collymore, left, and Boston Latin School student Daphne Francois, center, observed Superior Court Judge Geraldine Hines and Court Officer Barbara Rucker at Suffolk Superior Court during the Judicial Youth Corps' "Shadow Day" in August.

At right, Chief Justice for Administration and Management Barbara A. Dortch-Okara addresses Judicial Youth Corps students in the SJC Courtroom.

High School Students Complete

The judges and staff of dozens of courts and court offices throughout Massachusetts once again seized the opportunity to mentor high school students this summer, as fifty students in Boston, Springfield, and Worcester participated in the eleventh year of the Judicial Youth Corps.

Starting in May, students participated in weekly educational seminars about the courts and the law. Judges, attorneys, probation officers, other court personnel, and law enforcement officers discussed their roles in the justice system, and participated in wide-ranging, lively question-and-answer sessions.

Activities also included several mock trials and hearings, and visits to courthouses, jails, law firms, and sheriff's departments.

In July and August, the students worked four days a week in paid internships with court clerks, probation officers

and in offices such as the Office of the Commissioner of Probation and the Office of Jury Commissioner.

For the second year, groups of students in Boston also held weekly luncheons with Supreme Judicial Court Justice Roderick L. Ireland.

The summer ended with the annual Appreciation Day ceremony in late August, when the students from all three cities and the many volunteers who make the program a success are thanked for their hard work.

The entire program is managed and supervised by SJC Public Information Officer Joan Kenney. The Boston program is coordinated by Another Course to College Director Jerry Howland and Public Information Office Administrative Assistant Vanessa Scott-Brown.

The Springfield program is coordinated by attorney Tiffani D. Hurst, with the help of Hampden Juvenile Court First Justice Rebekah J. Crampton and Hampden Bar Association Executive Director Judith K. Potter. Those responsible for the success of the Worcester program are teacher Daniel Rushton and attorney Kristine M. Canepa of the Worcester firm Mirick O'Connell DeMallie & Lougee.



Eleventh Year of the Judicial Youth Corps



Above, Suffolk Superior Court Chief Probation Officer Sandy J. Stillwell instructs student Stephen Mak of Boston Latin School on how to interview detainees.

At right, SJC Justice Roderick L. Ireland discusses several landmark cases affecting juvenile law during an educational session of the Judicial Youth Corps, while Coordinator Jerry Howland looks on.



NEWSMAKERS

Attleboro's Mark Sturdy Rescues Neighbor from Burning House

Attleboro District Court Third Assistant Clerk-Magistrate Mark E. Sturdy was working in his yard on a Sunday afternoon in April when he heard a smoke detector start beeping in his 93-year-old neighbor's house.

After seeing smoke pouring from the house, he called the fire department and raced over to help.

Through the open front door, he could see his neighbor, former Attleboro Mayor John McIntyre, inside trying to put out the fire. Mr. Sturdy plunged into the smoke-filled room and led him back outside. While they were both inside, one of the house's windows exploded from the heat.

"I remember being concerned if there was gas in the house," Mr. Sturdy says. Fortunately, there was not, and the fire department soon arrived to put out the blaze.

"I'm very thankful nothing happened to him," Mr. Sturdy says. "He's a legend in the city of Attleboro, but I think anybody would do that for their neighbor."

Lynn Court Officer Named Co-MVP in Women's World Series

Massachusetts is home to at least one baseball world champion, as Lynn District Court Court Officer Donna M. Mills was named Co-MVP of the women's baseball World Series championship game in Toronto in July.

Ms. Mills, who plays third base, batted in four runs while going four-

for-four at the plate to lead Team USA to a 9-1 victory in the championship game against Japan, which had beaten the USA in two earlier games of the tournament.

"It was just an incredible experience sharing the love of the game with the players from different countries," she says.

Ms. Mills, 28, was selected as one of the team's twenty-five players during a series of try-outs held around the country by United States Women's Baseball. The tournament in Toronto was the inaugural women's World Series, with the second being planned for Australia next year.

Ms. Mills has played baseball for two years, following all-star careers as a softball shortstop at the University of Massachusetts at Lowell and at Lynn Vocational Technical Institute.

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court reporters may return to their offices after a long day in court to discover orders awaiting them from cases they recorded years earlier.

"You have to keep good files," says Ms. Pietrella. "You must be able to retrieve cases that may be many years old. If somebody needs a transcript from fifteen years ago and the original court reporter isn't around any more, then somebody else has to be able to find the notes and transcribe them."

Occasionally, attorneys may order next-day transcripts of an entire case or select testimonies. "Daily copy" transcripts usually require the services of several court reporters, as each reporter must work throughout the night to prepare the transcript by the next day. Ms. Rael estimates that each reporter may receive such requests about every two or three years, and usually for high-profile cases. By statute, reporters are paid \$4.50 per page for daily copy, and \$1.50 per page for additional copies.

Otherwise, the standard rate court reporters are paid is \$3 per page for the original transcript, and \$1 a page for copies. An average six-hour day in court may result in well over 100 pages of transcript, but each hour of testimony takes about four hours to transcribe.

New Technologies

Over the years, the job of transcribing official court records has changed with technology. Not too many years ago transcripts were typed on manual typewriters, but the process has grown less arduous as technology shifted to electronic typewriters, word processors, and, most recently, advances in transcription software.

Susan Garvin, a court reporter in Worcester, notes that the newest stenographic equipment that she and other court reporters use can generate a written transcript as the shorthand characters are typed in. Such



Court Reporter Paula M. Pietrella, right, records every word spoken in Superior Court Judge Leila R. Kern's courtroom in Suffolk Superior Court. Also pictured is Sessions Clerk Judith Trocki.

"real time" transcriptions can be shown, for example, on a judge's laptop computer as the words are spoken in court. She notes that laptops for both attorneys or for hearing-impaired jurors also could be plugged into the system.

Once the day's session is over, the resultant rough transcript can be immediately available to, for example, attorneys preparing for the next day's arguments or to the judge preparing instructions to the jury. The computer-generated transcriptions also can facilitate the production of daily copy.

However, before reporters can certify such transcripts as a "true and accurate," verbatim record of the proceedings, they must rigorously proofread them, especially for punctuation and the accurate spelling of proper names or uncommon terms. Ms. Garvin notes that reporters also must enter exhibits, parenthetical information, and times into the record before it can be certified.

The equipment capable of producing real-time transcripts is not inexpensive. Court reporters provide all their own equipment, from software to office supplies. A new stenographic machine and the software necessary for writing real time transcripts can cost more than \$10,000, in addition to the time and expense of learning how to use them. Also, only the newest courthouses are wired for laptop computers to plug into a courtroom-wide network.

"Sometimes we're lucky just to have a three-prong electrical outlet," comments Ms. Garvin.

Yet despite the stresses of the job, the court reporters agree that meeting its challenges is highly satisfying. Moreover, they enjoy the opportunity to learn something new every day.

"We know what all kinds of people do," laughs Ms. Wrighton, "from plumbers and engineers to drug dealers. We know all about them." ■

COMPASS POINTS



Forms Available for Asking Court Users, 'How Are We Doing?'

The Administrative Office of the Trial Court has distributed to each Trial Court department a short questionnaire for distribution to people who use the courts, to encourage them to provide information on how the court system can improve service.

Anyone filling out the "Survey of Court Users" may rate the service

they received at the court and add comments or suggestions. It is based in part on a customer service survey in use for several years at Ayer District Court, and is being expanded to the entire Trial Court as part of Massachusetts' participation in the national Public Trust and Confidence Project.

A copy of the form and suggestions for its use are available by clicking onto one of the "quick links" at the bottom of the home page of the court Intranet site, at <http://aotcweb>.

Probate and Family Court Publishes Guides for *Pro Se* Litigants

To help the rising numbers of unrepresented, or *pro se*, litigants, the Probate and Family Court is distributing a new series of instructional brochures through the Court's Registers of Probate and Chief Probation Officers.

Three guides have already been published: "Before Asking for Help," which explains how court staff can assist litigants; "Before Going into Court," which explains the basics of courtroom procedure and is available in English and Spanish; and thirteen editions of "Looking for Legal Assistance?" which lists legal aid organizations in different counties and is similar to one already published by the Suffolk County Registry of Probate.

By the end of September, the Court also will publish a series of guides on how to fill out six key forms required for filing for a guardianship of a minor. Probate and Family Court *Pro Se* Coordinator David A. Schwartz explains that all the guides will be translated into Spanish and Portuguese, as well as other languages as needed.

Judges Sought for 2002 Mock Trial Program

The Massachusetts Bar Association and the Boston law firm of Brown, Rudnick, Freed & Gesmer, co-sponsors of the 2002 Mock Trial Program, are seeking volunteers to judge high school students competing in the educational program, now in its seventeenth year.

Jurists are needed to judge individual trials, which will be held from January to April of next year. Each trial takes two or three hours.

Judges who are interested in participating should contact the Massachusetts Bar Association at (617) 338-0570 or at mocktrial@massbar.org.



Members of the Probate and Family Court softball team, including Chief Justice Sean M. Dunphy, fourth from left, prepare to take the field against Juvenile Court judges.

Juvenile Court Wins Judge Lydon Softball Challenge

Judges of the Juvenile Court will hold softball bragging rights over their colleagues in the Probate and Family Court over the winter, after a team captained by Essex Juvenile Court Judge Jose Sanchez won the the first annual Leo J. Lydon Softball Challenge in September.

Nantucket Probate and Family Court Judge Angela M. Ordonez, who was team co-captain with Judge Spencer M. Kagan, says she looks forward to a rematch in the spring.

The game was named in honor of the late Juvenile Court Judge Lydon, who passed away last November. Judge Lydon had enthusiastically supported the idea for the game in discussions with Judge Ordonez, who helped organize the event.

"The game was very positive for morale," Judge Ordonez says. "We don't do enough things as a group, so it was a good way to get to see each other and our colleagues in the Juvenile Court."

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visited the Boston Police Department; met with defense attorneys, prosecutors, federal judges, and court officials; observed several jury sessions in Superior Court; toured a House of Correction and a half-way house; met with lawyers at the Boston Bar Association; and attended a class Judge Chernoff taught at Boston College Law School.

They also took a walking tour of Boston led by Judge Hershfang, went on a harbor cruise, and visited historical and cultural attractions, followed with dinners at the homes of judges and an attorney.

Topics of Discussion

Judge Chernoff notes that several future topics of discussion between Massachusetts and Tomsk judges are

likely to fit within a general theme of judicial education.

Future Massachusetts delegations may address training methods for new and veteran judges, development of a judicial code of professional responsibility, the rendering of unpopular or controversial decisions, and the use of law students as judicial interns, as well as how to conduct jury trials.

"My impression was that many members of the legal community are very skeptical about the idea of juries," Judge Rup says. During a visit to a law school in Tomsk she was asked several questions about how juries can make better decisions than judges.

"We explained how judges give instructions to juries, how attorneys need to present their cases, and that,

depending on the case, the judge may have no more background in a technical area than the jurors do," she says.

Judge Rup adds that the intense interest their Tomsk hosts have for learning about the Massachusetts and U.S. judicial systems is one of the most appealing aspects of the entire exchange.

"I find fascinating the enthusiasm with which they are embarking on this journey into quite uncharted territory," she says. "And by discussing and explaining our system with them, it builds an appreciation for what we've got. It helps us look critically at our system, and possibly see that some of the processes we follow might not be the best. It's very healthy for all of us to see other systems in action." ■

CALENDAR

OCTOBER

- 2 Full Court Sitting of the Supreme Judicial Court, at Essex County Superior Court, Salem, at 9:00 a.m.
- 2 "Eyewitness Evidence: Collecting, Preserving, Presenting & Challenging Crucial Testimony," for judges, cosponsored by the Flaschner Judicial Institute and Massachusetts Continuing Legal Education, at MCLE, from 9:30 a.m. to 4:30 p.m.
- 8 Columbus Day — Courts are closed.
- 18 Judicial Institute: "Motor Vehicle Safety Issues," for clerks and assistant clerks, in Worcester from 8:30 a.m. to 4:30 p.m.
- 26 Judicial Institute: "Judicial Response System," for judges, in Worcester from 9:00 a.m. to 4:00 p.m.

NOVEMBER

- 1-2 Flaschner Institute: "Hon. Haskell C. Freedman Retreat for Probate and Family Court Judges," in Dedham. Registration begins at 8 a.m. on November 1.
- 12 Veteran's Day holiday — Courts are closed.
- 22 Thanksgiving Day — Courts are closed.

DECEMBER

- 3-7 Judicial Institute: "Management Essentials," for first justices, clerk-magistrates, registers, chief probation officers, and chief housing specialists, in Dedham from 8 a.m. to 4 p.m.

For more information on Judicial Institute programs, call (617) 788-6775.

For more information on Flaschner Judicial Institute programs, call (617) 542-8838

The Court Compass

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